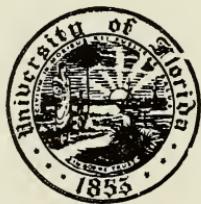


Somaliland Under Italian Administration:
A Case Study in United Nations
Trusteeship

by
Lawrence S. Finkelstein

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SOMALILAND UNDER ITALIAN ADMINISTRATION:

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LAWRENCE S. FINKELSTEIN

Carnegie Endowment for International Peace

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The WOODROW WILSON FOUNDATION recently sponsored a second series of four Seminars on the United Nations. The aim of the Seminars was to improve the teaching of international relations by giving teachers of the subject an opportunity to discuss the United Nations policy process with authoritative national and international officials.

The program, which concentrated on the policy *process*, as distinguished from substantive aspects, was built around central issues before the United Nations, sampling the major fields of responsibility: administration, peace and security, economic and social cooperation and non-self-governing territories.

Thirteen professors of international relations and political science, from colleges within a convenient distance of New York, accepted the Foundation's invitation to participate in these Seminars.

While the principal harvest was an increased understanding on the part of the participants, the tangible product is the publication, in this pamphlet form, of these four case studies prepared in the light of the seminar discussions; pedagogical commentaries have been added to suggest the usefulness of such material in college teaching. The WOODROW WILSON FOUNDATION makes this series available in the hope that this method of analyzing the United Nations process may help those who are responsible for interpreting the United Nations to their students.



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Carnegie Endowment for International Peace

SOMALILAND UNDER ITALIAN ADMINISTRATION: A Case Study in United Nations Trusteeship

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Carnegie Endowment for International Peace

This paper was prepared for a Seminar held on February 25-26, 1955. The problem is treated as a case study as of that time. The paper is not intended to reflect the full history of events subsequent to that date.

INTRODUCTION

On November 21, 1949, the United Nations General Assembly decided that the former Italian colony of Somaliland, then under military administration by Great Britain, should be placed under the United Nations trusteeship system, with Italy as the Administering Authority, for a ten year period, at which time the territory should become independent. It also provided that the Administering Authority should have the assistance and advice of an Advisory Council composed of representatives of Colombia, Egypt, and the Philippines.

This decision reflected mainly a political compromise, worked out painfully in the General Assembly over two years, in which the votes of the Arab-Asian bloc and the Latin American bloc were won for a solution of the Somaliland question which, while permitting Italy's return to the territory, circumscribed that return with a severe time limit. Somaliland was one element in a solution which encompassed Libya as well and later came to include Eritrea.¹

The idea of a time limit on Italian administration had long figured in discussions of the Somaliland question. The actual acceptance of ten years as the limit came about more because it was politically acceptable than because it was theoretically justified. The Subcommittee which dealt with the question during the fourth General Assembly recommended a ten-year limit unless the General Assembly should subsequently decide otherwise. When the matter came before Committee I on November 9, 1949, the

¹ How these decisions were reached has been admirably recounted elsewhere. See, for example, Benjamin Rivlin, *The United Nations and the Italian Colonies*, Carnegie Endowment for International Peace (United Nations Action Series), 1950.

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qualifying clause was deleted on the motion of the Philippine delegation in a vote which saw France, the United Kingdom and the United States in opposition to the majority.

This paper is concerned mainly with the events which followed on these decisions.

It will attempt to set forth the role played by United Nations organs, in accordance with the trusteeship system, in assisting and guiding the Administering Authority, in the setting provided by the territory itself and its inhabitants and resources.

First, however, a few words about the territory itself. Somaliland under Italian administration, lies on the northeast coast of Africa, running southwest along the Indian Ocean from the Gulf of Aden. It comprises some 500,000 square kilometers. Its border with Ethiopia on the west is only partially defined and for a good part of the way the territory is delimited by the provisional line of demarcation agreed upon by the British and Ethiopian authorities in 1950. The territory is also bordered by Kenya and British Somaliland, on the west and north respectively.

Somaliland lies in a semi-arid belt and is subject to serious uncertainties as to rainfall and water supply. Its known mineral resources are slight. Its indigenous population of about 1,269,000 people is, in large part, nomadic. Islam is the religion of the Somalis. Sedentary agriculture exists and is growing, but at a level which is, for the most part, barely above minimum subsistence standards. Its chief export products are bananas and cotton. The former remains largely a monopoly of Italian growers and marketing channels and depends on protected markets in Italy. Although Somali production of cotton is increasing, the product is marketed for the most part by Italian concerns. Much of the wealth of the Somalis is in the form of livestock which, together with skins, hides, fat, etc., command some market in the neighboring areas. However, the animals and animal products are inferior in quality and livestock are, in any event, regarded more as a measure of prestige in the existing social pattern of the tribes than as a saleable product. Most consumer goods have to be imported and there is no heavy industry. Harbor facilities are limited and the relatively inhospitable coastline offers little promise of future development.

There is a network of roads and paths of various grades. There is no railroad. Somaliland is served, regularly but infrequently, by international air services. Even at a low level of services, the civil budget was, and still is, in substantial deficit. The international balance of payments likewise showed a large unfavorable balance.

At the time of the General Assembly's decision, the territory's political development could only be described as "primitive". Political parties were a recent innovation and were most important in the urban centers. The tribal organization was loose and provided no firm basis for government. Inter-tribal hostilities and raiding were endemic. Somalis were

employed widely in the civil and security services, but rarely in positions of responsibility. Educational facilities were minimal. The incidence of disease, such as malaria, syphilis, tuberculosis, yaws, tropical ulcers, dysentery, internal parasites such as hookworm and others was and is very high. There is virtually no pure drinking water in the territory. Sanitary practices and facilities are virtually non-existent. Animal diseases are widespread.

In short, a less promising prospect for rapid development toward viable independence in ten years can hardly be conceived. The problem in brief was to start with virtually nothing and, in ten years, create indigenous organs of government and administration which would meet the minimal needs of an independent state. From the outset, it was apparent that complete economic viability would be impossible to achieve in ten years, even at the existing very low level of government services. The problem therefore was to find ways to improve services and at the same time reduce the gap between the foreseeable budget levels and necessary outflow of foreign exchange on the one hand and government revenues and foreign exchange earnings on the other. The problem, difficult enough in itself, was complicated by: a) the necessity not to undertake capital ventures which would impose added burdens on the budget of an independent Somalia; and b) the special limitations imposed on the import both of capital and personnel by the ten year period with its attendant uncertainties.

INSTITUTING THE TRUSTEESHIP ARRANGEMENTS

In its resolution of November 21, 1949, the General Assembly had called upon the Trusteeship Council to negotiate with the Administering Authority a draft trusteeship agreement to be submitted for approval by the General Assembly no later than its fifth regular session in 1950. The resolution also provided that Italy should be invited to undertake provisional administration of the territory whenever arrangements could be made for the transfer from British administration to take place, provided that Italy undertook to administer the territory in accordance with the relevant provisions of the United Nations Charter and of the trusteeship agreement, pending General Assembly approval.

The provision for a trusteeship agreement, subject to approval by the General Assembly, setting forth the terms under which the territory would be administered stemmed from articles 77 and 79 of the United Nations Charter.² The requirement that there should be a trusteeship agreement,

² Article 77 provides that "The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: . . . (b) territories which may be detached from enemy states as a result of the Second World War . . .".

Article 79 provides: "The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of

that it should be acceptable to the Administering Authority and to the General Assembly, conformed precisely to the previous practice in bringing territories under the system (except, of course, for the Trust Territory of the Pacific Islands which, being classified as strategic, came under the jurisdiction of the Security Council rather than the General Assembly). In other respects, however, the procedure differed, owing to the distinguishing characteristics of the territory's relation to Italy and the United Nations. Somaliland was the first territory to come under the trusteeship system which was not to be administered by the authority in control during the immediate pre-trusteeship period. Furthermore, since the decision to place the territory under trusteeship had been taken by the United Nations, rather than by voluntary action of the Administering Authority, the United Nations had special and unusual responsibilities. Finally, the ten year limit on the trusteeship period was unique and reflected, not only a political decision which was part of the over-all solution of the problem of the Italian colonies, but also a desire to impose special conditions on the administration and special responsibilities on Italy which, as an ex-enemy power and non-member of the United Nations, was receiving a special dispensation by being permitted to administer a trust territory. These special factors explain why the Trusteeship Council was given a special function in drafting the trusteeship agreement. In all previous cases, the Administering Authority had submitted its proposed draft for consideration directly by the General Assembly or the Security Council and, in effect, retained full control over the contents, subject only to the ability of the United Nations organ to reject the entire proposal as inadequate. In the case of Italian Somaliland, there was an Italian draft proposal for an agreement. But there was also a Philippine draft and a set of "suggestions" advanced by the delegate of the Dominican Republic.³ The Trusteeship Council's mission to "negotiate" with Italy gave the United Nations much greater voice in setting the terms of the agreement than it had previously enjoyed.

The provision for provisional Italian administration, prior to the trusteeship agreement actually coming into force, was also unusual. It reflected the fact that, if actual authority were not transferred before the monsoon set in around May, 1950, the whole process would be delayed for another year. Both Italy and Great Britain were anxious to hasten the process. The provisional administration was the answer to the fact that the General Assembly would not normally meet to approve the agreement before September 1950.

territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85". Articles 83 and 85 provide that the Security Council, in the case of strategic territories, and, in the case of non-strategic territories, the General Assembly should exercise the functions of the United Nations with respect to the approval of the terms of the trusteeship agreements.

³ For a side by side comparison of the various proposals see United Nations document T/AC.18/L.4.

The Trusteeship Council moved with commendable speed. In a special session, in December, 1949, the Council appointed a drafting committee, composed, according to normal practice, of equal complements of representatives of administering and non-administering members of the Council. The members with administering responsibilities were France, the United Kingdom, and the United States. The non-administering states which were represented were the Dominican Republic, Iraq, and the Philippines. After meeting once at Lake Success, the Committee adjourned to resume sessions from January 9 until January 26, 1950 in Geneva. Italy was represented in the discussions both of the Council and the Committee. So were Colombia and Egypt, as potential members of the Advisory Council, although there was some objection to inviting them to participate in the Council on the ground that, until the trusteeship agreement was approved, the special status of the Advisory Council's members *vis a vis* the Council, provided for in the General Assembly Resolution of November 21, 1949,⁴ would not take effect. The third member of the Advisory Council, the Philippines, was already a member of the Trusteeship Council. India was invited to participate in discussions concerning the Declaration of Constitutional Principles which, according to the General Assembly Resolution, was to be annexed to the trusteeship agreement because the Declaration was to be based on a draft which India had introduced in the General Assembly. Finally, Ethiopia was invited to participate although, in the words of the Trusteeship Council's report,⁵ "Without . . . any decision as to whether Ethiopia was, in fact, a 'State directly concerned'" and without the right to vote. Ethiopia, recalling that Somaliland had been the base from which the Wal Wal incident had been provoked and the Ethiopian invasion launched by Italy, had from the outset opposed Italy's return to the territory and, having been overruled in the General Assembly, had claimed to be a "state directly concerned" in the meaning of Article 79 of the Charter. The Ethiopian Government on various occasions entered strong reservations⁶ but without altering the course of events.

⁴ The General Assembly Resolution provided that the trusteeship agreement should determine the precise terms of reference for the Advisory Council, including "a provision whereby the Trusteeship Council shall invite the States Members of the Advisory Council, if they are not members of the Trusteeship Council, to participate without vote in the debates of the Trusteeship Council on any question relating to this territory".

⁵ General Assembly *Official Records*, 5th session, Supplement No. 10 (A/1294), Draft Trusteeship Agreement for the Territory of Somaliland under Italian Administration: Special Report of the Trusteeship Council.

⁶ See, for example, letter from Minister of Foreign Affairs to Secretary-General, December 5, 1949, United Nations Trusteeship Council, *Official Records*, Second Special Session, p. 90, letter from Acting Chairman of the Ethiopian Delegation, December 10, 1949, Cablegram from Acting Minister for Foreign Affairs to the Secretary-General, December 31, 1949, Communication from the Ethiopian observer to the Secretary-General, January 26, 1950, United Nations Trusteeship Council, *Official Records*, Fourth Year, 6th session, Annex Vol. I, pp. 97, 102, 112.

The trusteeship agreement, as it was drafted by the committee with a few changes introduced by the Trusteeship Council itself, was approved by the Council at its meeting on January 27, 1950. It blended features of the several drafts which were before it and of the previous trusteeship agreements. Using the agreement for Tanganyika as the basis for comparison, the agreement for Somaliland differs in the following major respects:

1. Various provisions which state the objective of independence after ten years. The Tanganyika agreement refers merely to the objectives set forth in Article 76 (b) of the Charter (Preamble, Articles 3 and 24);
2. The obligations to promote political, economic, social and educational advancement of the people are spelled out in considerably greater detail than in the Tanganyika agreement (Articles 3 and 4);
3. Provision for the functioning of the Advisory Council, including diplomatic privileges and immunities for the members and certain privileges and immunities for the Council's staff. The Administering Authority undertakes:
 - a. to consult with the Council before establishing installations and taking other measures for the defence of the territory and for the maintenance of international peace and security (article 6);
 - b. to inform the Council on all matters relating to the political, economic, social and educational advancement of the inhabitants (article 8);
 - c. to seek the advice of the Council on all measures for the inauguration, development, and subsequent establishment of full self-government, in particular the establishment and development of organs of self-government, economic and financial development, educational development, labour and social advancement, and the transfer of the functions of government to a duly constituted independent Government of the territory (article 8);
 - d. to seek the advice of the Council on ordinances which the Administrator may promulgate in exceptional circumstances (article 8);
 - e. to accord to the Council facilities and access to sources of information as it may require for the performance of its functions (article 9);
 - f. to request the advice of the Council in advance of any alienation to foreign persons or companies of agricultural land in excess of 1000 acres (article 14);

The Council:

- a. may make to the Administering Authority observations and recommendations which it considers will be conducive to

attaining the objectives of the trusteeship agreement (article 8);

Members of the Council:

- a. if they are not members of the Trusteeship Council, are entitled to participate without vote in Trusteeship Council debates specifically concerning the territory (article 11);
- b. individually, or acting for the Council, may make oral statements or submit written reports or memoranda which they deem necessary for the Council's proper consideration of any question specifically relating to the territory (article 11).
4. Stricter limitations on the Administering Authority's freedom to alienate land, including the requirement that the consent of the Territorial Council be obtained (article 14);
5. A provision, growing out of concern over the wartime treatment of foreign property, requiring the Administering Authority to submit in its first annual report to the Trusteeship Council a report on foreign property in the territory (article 18);
6. A requirement that the Administering Authority submit to the Trusteeship Council a plan for independent government of the territory at least eighteen months before the end of the ten year period (article 25);
7. Recognition that the border of the territory was not defined (article 1);
8. An attached Declaration of Constitutional Principles as an integral part of the trusteeship agreement, providing, *inter alia*, that:
 - a. the sovereignty over the territory is vested in its people and is being exercised in their behalf by the Administering Authority (article 21);⁷
 - b. the Administering Authority is to take steps to provide a status of citizenship of the territory for the population and to ensure their diplomatic and consular protection (article 2);⁸
 - c. a Territorial Council is to be established, composed of inhabitants of the territory and representatives of its people, which is to be consulted by the Administrator in all matters other than defence and foreign affairs (article 4);
 - d. legislative authority is normally to be exercised by the Administrator after consultation with the Territorial Council until an elective legislature has been established (article 4);
 - e. there should be an independent judiciary, with progressive representation of the indigenous population and progressively increased jurisdiction of courts of first instance (article 7);

⁷ In no other territory is the question of sovereignty so clearly resolved. For a discussion of its significance see L. Larry Leonard, *International Organization*, McGraw-Hill, New York, 1951: p. 510-511.

⁸ A similar provision appears only in the agreement for the Trust Territory of the Pacific Islands.

- f. the Administering Authority should guarantee human rights, fundamental freedoms, equality for all, civil and political rights (articles 8 and 9);
- g. the Administering Authority accepts "as a standard of achievement" the Universal Declaration of Human Rights (article 10).

The Trusteeship Council's report, comprising the Draft Agreement, was submitted to the General Assembly. The Fourth Committee considered the question in nine meetings in the period November 10-16, 1950. It invited Italy to be represented in the discussions. Minister de Holte Castello of Colombia, Chairman of the United Nations Advisory Council, also participated. After an extended debate, the Committee adopted an Iraq proposal to accept the request of the Somali Youth League and to invite it "to participate without vote in the work of the committee" during the debate on the question of the draft trusteeship agreement for Somaliland. Subsequently, an invitation was also issued to the Conferenza Della Somalia to be represented.

After discussion, in which the main tone was one of satisfaction with the work of the Trusteeship Council, the proposed agreement was approved in the Fourth Committee, by a vote of 44-5 with one abstention on November 16. The Soviet bloc powers opposed the approval of the Agreement. Liberia abstained. In coming to this conclusion, the Committee over-rode strenuous efforts by the Ethiopian delegation to question the legality of the Committee's approval of the proposed Agreement. The Ethiopian delegate either was not present or did not vote at all on the final motion.

The Agreement was subsequently approved by the General Assembly at its plenary meeting on December 2, 1950 by a vote of 44-6. It was ratified by Italy only after some delay and prodding by the United Nations organs on November 4, 1951.⁹

In the meantime, the Italian Government on February 22, 1950, undertook to assume the administration of the territory, subject to future ratification of the trusteeship agreement. On April 1, 1950, the transfer of powers from the United Kingdom to Italy took place. The transition, from adoption of the original General Assembly decision on the territory to the actual shift of authority, took only about four and a half months.

STEPS TOWARD INDEPENDENCE

The ten-year period of the trusteeship arrangement took effect on December 2, 1950, the date on which the General Assembly approved the trusteeship agreement. The fact that Italy, having begun to administer the territory in April 1950, had an eight months' head start altered only

⁹ See for example the resolution adopted during the ninth session of the Trusteeship Council welcoming "The statement of the representative of the Administering Authority that the Italian Parliament is likely to ratify it shortly". Report of The Trusteeship Council: 6th Session, p. 82.

slightly the enormous odds against success in the mission to achieve viable independence in ten years time.

At the moment of the transfer of authority, there was in the territory no organ of self-government, much less of representative government, at any level; no Somali who had experience of governing or of administering in any superior post; no system of education beyond the primary level, and even the elementary education which existed was scanty. On the other hand, there was a widely noted spirit of nationalism among the people of the territory and, once the initial overt hostility to the incoming administration had abated, considerable desire to cooperate in achieving the difficult objective of raising by its bootstrap a country which did not even possess one.

One overriding aspect of the territory's political environment has been an obstacle to progress at every stage. That is the predominantly conservative, traditionalist character of the nomadic population and the fact of nomadism itself. Where progress toward self-government has been fairly rapid in the urban centers, it has been distressingly slow in the countryside. And the inherent conflict between progressive elements, mainly among the urban population, represented in large measure by the Somail Youth League, and the far more traditionalist tribal elements has complicated not only direct political advance but educational and other change as well.

This conflict has limited the Italian Administration's willingness to stimulate far-reaching changes because they would provoke the antagonism of traditionalist elements which have been the main support of the Administration. With a short tenure before it, the Administration has been content by and large to accept the *status quo* rather than to institute changes which could increase its political difficulties. This tendency, perhaps inevitable because of the time limit, has been accentuated by the fact that, in searching for personnel to staff the Administration, Italy has looked for people with African experience and has, therefore, created an administrative staff whose average age is considerably higher than that of other colonial administrations in Africa.

SELF-GOVERNMENT

The Administration's most notable accomplishments have been in promoting organs of local and territorial self-government.

A Territorial Council has been set up in response to Article 4 of the Declaration of Constitutional Principles. According to the most recent available information,¹⁰ the Council consists of 51 members, 21 chosen as regional representatives, 18 representing political parties, 8 represent-

¹⁰ United Nations Visiting Mission to Trust Territories in East Africa, 1954: Report on the Trust Territory of Somaliland. (United Nations document T/1143, 20 December 1954, p. 17).

ing economic groups, one representing cultural groups and 1 each representing the Italian, Arab and Indian and Pakistani communities. The regional representatives are appointed by the Administrator from lists of nominees, containing twice as many names as seats to be filled, put forward by regional assemblies in each of the six regions. Other candidates are appointed by the Administrator from lists, also putting forward twice as many names as are to be chosen, prepared by the political parties and by various regional commissioners. It is planned to increase the size of the Council still further, to seventy members. In 1955, for the first time, members will be elected. Representatives of the nomadic population will be chosen via an indirect system involving the tribal assemblies or *shirs*; representatives of the settled population will be directly elected under a system of universal male suffrage.¹¹

So far, the Territorial Council has had advisory powers only. It has been free to discuss all problems of government, except foreign affairs and defense. All legislative powers remain vested in the Administrator. The Council meets three times a year but has two continuing committees which meet between its sessions. After the elections, it is planned to invest the Territorial Council with deliberative powers.

Thus far, the Council seems to have worked smoothly and there is no known case of the Administrator having acted against the views of the Territorial Council or of his having proceeded on important matters without seeking its advice.¹² However, the recent visiting mission expressed some dissatisfaction with the procedures of the Territorial Council, particularly as regards the presentation of the budget. The mission felt that the form in which the budget of the territory has been presented did not facilitate development among the Somali members of appreciation of the knotty problems of public finance which confront the territory. It also recommended that: after the 1955 elections, standing committees of the Council should be set up to deal with various functional fields, such as public health, education and so forth; Somali members of the Council should be appointed as parliamentary assistants to the officers in charge of government departments; and that greater decentralization of administration should be brought about with the object of setting a pattern of cabinet-type relationship between the Administrator and the department heads.¹³

There is also a longer range plan to have a nationwide direct election of a Constituent Assembly in 1958. The recent visiting mission has urged that a nationwide census be completed as a prerequisite step.¹⁴

¹¹ *Ibid.*, p. 18.

¹² With the one important exception of the oil exploration concessions. See below, p. 26.

¹³ *Ibid.*, p. 16.

¹⁴ *Ibid.*, p. 20.

In the early days of the trusteeship regime, Italy moved quickly also to establish Residency Councils in each of the twenty-seven Residencies. These Councils began to operate in 1950. Originally composed of tribal chiefs and notables, the composition was later enlarged to include as well representatives of political parties active within the Residencies.

From the outset, there has been dissatisfaction over the functioning of these organs. The first Trusteeship Council mission to visit the territory found evidence in 1951 that "discussions are carried on with difficulty and it is far from easy to obtain a majority opinion. The lack of familiarity with the procedures of modern administration and the rigidly localized political outlook of many Somalis are serious deterrents . . ."¹⁵ visiting mission found that these organs were "inactive." The reasons for this, it thought, lay both in the nature of Somali society in which patterns of political organization and authority above the level of the kinship group (*rer*) were rather tenuous and in the failure of the Administration, owing to a lack of staff in the field, to mount a sufficient effort toward making the Councils effective organs of local government.¹⁶

Municipal councils were also established fairly early in the trusteeship period. Effective July 1, 1951, municipalities were recognized in all the administrative centers of the Residencies and in the more important urban centers (except for Mogadiscio where a municipality had previously existed). In all thirty-three municipalities, municipal councils, whose indigenous members were appointed by the Residency Councils, were set up to advise the Residents who retained control over the administration of municipal services. By 1954, the number of municipalities had grown to thirty-five.

On March 28, 1954, the municipal councils were elected in the first experience the territory had ever had of direct elections. About 38,000 voters participated. One probable consequence of the elections may well be greater confidence in the administration on the part of the Somali Youth League which had been the chief force in the country opposing Italy's return to the territory, an attitude which had not been completely repressed in the early days of the trusteeship regime. In the elections, the SYL captured 141 of the 281 seats which were contested.

The 1954 visiting mission was informed by the Administrator that a draft law would be submitted to the Territorial Council in November 1954 extending powers of the Municipal Councils and particularly requiring Municipal Council approval on a fairly wide range of subjects of municipal concern.¹⁷

¹⁵ United Nations Visiting Mission to Trust Territories in East Africa, 1951; Report on Somaliland Under Italian Administration. Trusteeship Council, *Official Records*: 11th Session, p. 11.

¹⁶ 1954 Visiting Mission Report, *op. cit.*, p. 23.

¹⁷ *Ibid.*, p. 21.

The mission had some doubts about the effectiveness of the councils. Complaints had been heard that they rarely met, even in Mogadiscio, and that business of consequence was rarely transacted in them. Nevertheless, the mission was "convinced that Municipal Councils must play a key role in providing experience in government to the Somalis and in bringing together the inhabitants of communities in a common effort to solve their problems." It urged that the councils should be given wider powers and responsibilities, including revenue raising (which was not specifically listed by the Administrator among the powers to be granted under the proposed new act) and that they should meet more frequently for thorough discussion of the problems before them.^{17a}

In 1953, the General Assembly adopted a sweeping resolution which implied fairly extensive criticism of steps which the Administering Authority had taken toward independence in 1960.¹⁸ The resolution, among other things, recommended a series of specific steps toward the end of complete independence. Among them were the grant of legislative powers to the Territorial Council and election of its members on the basis of universal adult suffrage and the progressive transfer of administrative functions to the indigenous inhabitants. Since that date, the Administering Authority has announced its plans concerning election of the Territorial Council, with universal male suffrage in urban centers¹⁹ and for increasing its legislative duties. It has also announced that in 1954 a Supreme Court was established in the territory, providing it for the first time with a self-contained judicial system, from the lowest to the highest courts.

SOMALIZATION

Another aspect of the effort to develop Somali capacity for independence in 1960 is the campaign to replace Italians by Somalis in the administration and government of the territory. Not only is this effort essential for self-government of the territory but it is also an important and necessary contribution to compressing the territorial budget within the limits fixed by the territory's assets.

One indicator of progress is the marked decline of Italians employed in the police and other security services of the territory. While the reduction in the number of Italians in these services no doubt reflects the extensive precautions which the Administering Authority took at the outset in anticipation of disorder and the subsequent improvement in security conditions, it also reflects a conscious effort to replace Italians with Soma-

^{17a} *Ibid.*, p. 22.

¹⁸ Attainment of Independence by the Trust Territory of Somaliland under Italian Administration by 1960. General Assembly Resolution 855 (VIII), December 9, 1953.

¹⁹ It seems at least unlikely that all the inhabitants of this Moslem country would respond enthusiastically to the idea of universal suffrage.

lis where possible. By July 1954, forty-six of the seventy-four police posts in the country were in charge of Somali officers. Eight Somalis were at that time in Italy obtaining police training and were expected to return to replace Italians in the force. The number of Italian *carabinieri* in the territory had been reduced to 190 from an initial total several times as great. By contrast, there were 2,024 Somalis in the police corps and, in addition, the Residency Police, known as *Ilalos*, numbered 1,514.

At the same time, there remained only 652 Italians in the military forces of an initial Italian contingent of around 6,000. There are approximately 2,850 Somalis in the force. Of this total, only sixteen were officers, although the expectation was that this total would increase to sixty by the end of 1956, with a more than comparable reduction of Italian personnel to around 130. One garrison was commanded by a Somali officer in July 1954.²⁰

On the civil side of the administration, all senior posts are still filled by Italians. However, fourteen Somalis have been made vice-residents and four serve as aides to senior officials in the central administration at Mogadiscio. In response to a recommendation by the Trusteeship Council,²¹ the latest visiting mission was informed that Somalis were being associated with the work of the Administrative Committee, comprising the Administrator and his principal department heads. No Somalis are yet members of this committee, although a few have been invited to attend its meetings.²²

In the civil administration as a whole, there were 779 Italians at the end of 1953, contrasted with 4,139 Somalis. While most of the Italians were in posts for which qualified Somalis were not yet available, there were allegations that some minor positions were unnecessarily held by Italians.²³ The number of Somalis employed by the government is somewhat higher now than at the outset of the Italian administration, but the increase reflects a comparable expansion in the total number of employees rather than the replacement of Italians by Somali employees.²⁴ At the request of the 1954 visiting mission, the Administration estimated that

²⁰ See Report of the Trusteeship Council, covering the period 22 July 1953 to 16 July 1954: 9th Session, Supplement No. 4, p. 97.

²¹ *Ibid.*, p. 99.

²² 1954 Visiting Mission Report, *op. cit.*, p. 7.

²³ See Observations of the Philippine Representative on Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, covering the period from 1 April 1951 to 31 March 1952, United Nations Trusteeship Council, *Official Records*, 11th Session, Annexes (Agenda Item 4: Examination of Annual Reports), p. 30.

²⁴ This fact emerges from a comparison of figures given in the Trusteeship Council's Reports for the period November 1950-July 1951 (the first which dealt with Somaliland) and for the period July 1953-July 1954 (the most recent). In 1950, there were 4,426 persons employed by the Administration, including 3,641 Somalis. At the end of 1953, Administration employees numbered 4,929, of whom 4,139 were Somalis. The number of Italians in the Administration actually increased from 760 in 1950 to 779 at the end of 1953.

there would remain 250 posts, requiring special qualifications, which could not be filled by Somalis in 1960 when the shift to independence is to be made.²⁵ In some categories, this involved a projected increase over Italians employed in 1953, although the overall assumption was that more than 500 Italians would be replaced by Somalis.

EDUCATIONAL ADVANCEMENT

In a sense, achievements in Somalization of the administrative services are the fruits of a campaign whose main battles are fought on the education front. Without going into detail, the picture appears vividly and fairly accurately from the one fact that the first full class of secondary school graduates will not emerge until 1957.²⁶ The territory is virtually devoid of people with advanced qualifications in any field.

The record of the trusteeship period thus far has been moderately impressive. The number of students enrolled in primary and secondary level schools, including both day and evening classes, has increased from less than 7,500 in the period covered by the Trusteeship Council report for 1950-51, to a reported total of more than 18,000 in 1952.²⁷ The number of schools has increased to 204 from only 29 in 1950.²⁸ In addition, there are a few technical and teacher training schools, including a police academy. Moreover, the administration has undertaken intensive educational programs among Somalis enrolled in the military forces.

One of the first steps to be taken by the Administering Authority was the creation in Mogadiscio of a School of Political Administration which had 95 students enrolled in the period 1953-54. Eight graduates of the School have been sent to Italy for further study at the Somalia Study Centre. Thirty-eight Somalis were enrolled in that Centre and were expected to return to take up places in the Administration. The School of Political Administration provides a three-year course of instruction in such subjects as history, international law, public law, Islamic institutions, elements of civil and criminal law, public finance and accounting, political and economic geography, Italian and Arabic grammar, mathematics and science. Both this school and the more recently established Higher Institute of Legal, Economic and Social Studies implement the Administering Authority's policy of providing broad education rather

²⁵ 1954 Visiting Mission Report, *op. cit.*, p. 27.

²⁶ *Ibid.*, p. 24.

²⁷ Raport du Gouvernement Italien a L'Assemblee Generale des Nations Unies sur L'Administration de Tutelle de la Somalie, 1954. These figures are slightly at variance with those reported in the 1954 Visiting Mission Report, p. 138, which are somewhat higher.

²⁸ These figures are taken from the Italian Report for 1953. Their figure for the total number of schools in 1953 vastly exceeds the 1954 Visiting Mission's figure for 1954-55, which in turn seems to differ from that in the most recent Trusteeship Council Report. It seems likely that the difficulty stems from reference to different categories.

than technical training. The first enrollment of thirty students in the new Institute included 16 Italians and 14 Somalis including the eight who had been graduated from the School of Political Administration.

The information in hand does not give a clear picture of the number of Somalis who are studying in universities abroad. One student is reported to be studying medicine in Rome, presumably at the university level. Fifty-eight students at various levels were reported to be studying in Italy. Two were said to be in the United States. A significant indication of ties with Egypt and of Egyptian interest in the territory²⁹ is the fact that there are some fifty Somali students studying in Egypt and that Egypt has recently provided a number of instructors for various training programs in the territory.

One serious problem which confronts the Administration is the shortage of teaching personnel. In the five year period since 1950-51, the total number of elementary school teachers has increased from 127 to 337 and the Somalis among them have increased from 81 to 170.³⁰ Thirty-seven Somalis were enrolled in a teacher-training school set up in 1953. It is expected that the number of Italian teachers in the elementary schools will diminish by 1960 from 115 to 70, in the secondary schools, from 40 to 20. Both the Trusteeship Council and the visiting mission have urged greater emphasis on teacher training and the latter recommended that the Administering Authority seek the advice of UNESCO.

The territory has two very special problems which affect education. The first of these is the largely nomadic character of the population which has thus far made it very difficult to educate a segment of the population comprising more than one half. The problem has been a cause of concern to the Administering Authority and the United Nations organs from the outset. Under the Five Year Plan for Education which was drawn up with assistance from UNESCO, provision was made for two pilot projects in fundamental education and the education of nomads. An experimental project has been set up at Dinsor with the dual objective of training technicians with a view to initiating a series of fundamental education projects and the development of the particular region surrounding Dinsor. The recent visiting mission seemed impressed by this project as a beginning but seemed to fear that the Administration was not placing enough emphasis on expanding efforts on fundamental education. It urged particularly that evaluation of the Dinsor project, on which future appropriations might rest, be made "in collaboration with UNESCO."³¹

The second difficult problem is that the Somali language has not yet been reduced to a written form which is either widely accepted or accept-

²⁹ Egypt is a member of the Advisory Council and has played an active and effective part.

³⁰ 1954 Visiting Mission Report, *op. cit.*, p. 141.

³¹ *Ibid.*, p. 149.

able. One written form of the language, called *Osmania* after its originator, does exist, but seems not to have caught on widely in the territory. Owing to the influence of Islam, most Somalis know some Arabic, the language of the Koran. Owing to the history of Italian administration, Italian is also spoken. The problem posed has thus far proved to be almost insoluble. With the concurrence of the Territorial Council and the United Nations Advisory Council, Italian and Arabic were made the official languages of the Administration and of school instruction. As a long-term policy, this has obvious implications for projected independent status of the territory over and above the equally obvious difficulties of elementary instruction in languages other than the indigenous one.

The problem is even more complicated than it seems. While there seem to be various possibilities for converting spoken Somali into a written language, emotional and cultural factors intervene. In one school where an effort was made to use the Somali language, in both the Latin and *Osmania* alphabets, the experiment seemed to succeed for a while until the entire student body withdrew. Traditionalist and religious elements in the country favor the Arabic alphabet for religious reasons. The main opposition to the development of the Somali language comes from the Somali people themselves. The Trusteeship Council has been greatly disturbed over the problem, has adopted many resolutions on the subject, and most recently urged the Administering Authority to intensify its efforts to reduce the language to written form, in cooperation with UNESCO and the people of the territory, "bearing in mind also the possible use of the Arabic script," expressed the hope that Arabic as well as Italian would be used as the medium of instruction in secondary schools and in those regions where the people favored it; and was of the opinion that the decision on the national language for Somaliland must finally rest with the people of the territory when they attain independence.³² In this confused state, the matter rests.

The recent visiting mission tended to be critical of the Administering Authority's policies with respect to education. Its criticism concentrated on three main points: One was the absence of education for the nomads which led the mission to recommend that consultations be held with UNESCO to make possible the early establishment of the experimental school for nomads which had been scheduled to come into operation in the school year 1953-54. A second was the lack of secondary and technical schools outside Mogadiscio. Thirdly, it was concerned over the inadequacy of efforts to train Somalis for the assumption of responsibilities in the administration. It urged that a program of increasing study, training and in-service experience abroad could reduce "considerably" the

³² Trusteeship Council Report 1953-54, *op. cit.*, p. 119.

number of foreign technicians, estimated by the Administration at 250, who would be necessary in 1960.³³

ECONOMIC DEVELOPMENT

"Unless notable progress is made before 1960 the independent State may find itself confronted with an annual deficit in the budget of between So.35 and 70 million³⁴ (5 and 10 million dollars), a deficit in the balance of payments which may be as high as ten million dollars, no market for its high priced bananas, an undeveloped indigenous economy and insufficient resources to maintain the new water supplies and the social and educational services established during the Trusteeship Administration." In these words, the 1954 visiting mission of the Trusteeship Council described the economic dilemma posed by the imminent transition to independence.

The territory's annual budget deficit has been covered by a direct grant by Italy. For the fiscal year 1955, the Italian state grant is expected to total So.54,432,000 or more than \$7 million of a total budget of So.88,152,000. Even the ordinary civil expenditure (So.57,611,000) excluding the costs of the military establishment and of expenditures for public works and economic development, exceeds the anticipated ordinary revenue of the territory (So.31,800,000).

The taxable capacity of the territory is not very great. Much of the existing state revenues derives from indirect imposts of various kinds, the greatest being the customs duties. Possibilities exist for collecting direct taxes. However, total revenues from the hut tax and the income tax in 1952-53 totaled less than So.2.5 million. The Somali population tends to resist the idea of paying taxes and the prospects for greatly expanding tax collections do not seem especially bright. The state revenues are thus likely to continue to be highly dependent on customs collections. The most optimistic estimates concerning the prospects at the moment of independence do not offer much hope that the territory will be able to balance its budget.³⁵ According to the 1954 visiting mission, no projection of the 1960 budget picture had actually been made. The mission found a wide expectation "that the United Nations must and will assume this obligation," i.e., to carry the post-1960 budgetary deficit.

³³ For a detailed analysis of the state of education in the territory and a set of detailed recommendations for improvement, see United Nations Technical Assistance Programme: The Trust Territory of Somaliland under Italian Administration, New York: 1952, United Nations Pub. 1953, 11.H.2, pp. 234-295.

³⁴ The unit of currency in the territory is the Somalo which is equal in value to the East African shilling (20 shillings equals £; £ equals \$2.80; one So. equals \$0.14US).

³⁵ When the 1954 visiting mission asked the Under Secretary of State for Foreign Affairs in Rome whether the territory could be self-supporting in 1960, the reply was that "the deficit could be considerably reduced by that date." 1954 Visiting Mission Report, *op. cit.*, p. 41.

The territory has a similar dilemma regarding its international balance of payments. In 1953, the territory had a deficit of So.43.9 million in merchandise trade. Imports totaled So.78.6 million and exports So.34.7 million.³⁶ The deficit would be greater were it not for the fact that Italy in effect subsidizes the export to Italy of a large part of the Somali banana crop which is not competitive on the world market, owing mainly to the high crating and shipping costs. The Somali banana is more tender than most and has had to be shipped in special and expensive wooden crates, although recent experiments have given hope that a less expensive paper mattress can be used instead. Other export crops are cotton, of which a specially high grade is produced, animal products such as skins and hides, ghee, grain, myrrh and incense. There was a significant salt production before the war but recent efforts to revive it have not been successful. Various possibilities exist for increasing local production to reduce dependence on external sources of supply.

Perhaps the most satisfactory solution of the territory's dilemma would be to strike oil. There is a long history of geologic petroleum surveys which were interrupted by World War II. Since the beginning of the trusteeship regime, exploration concessions have been granted to the Sinclair Somal Corporation and to the Societa Mineraria Somalia which is an Italian enterprise.³⁷ According to a recent press report, the prospects are bright enough to encourage the Sinclair Company to invest \$1.5 millions in exploration but not bright enough to be a basis for future planning. Drilling operations are expected to begin in 1956.³⁸

The visiting missions and the Trusteeship Council have been disturbed by the concentration on trade with Italy.³⁹ Merchants in the territory have claimed that imported commodities do not always come from the cheapest sources.⁴⁰ In part, the difficulty is a real one in the sense that, given the best intentions in the world, the Italian authorities still have to tailor the import garment to the foreign exchange cloth. If Somali products cannot compete in international markets and have to be subsidized for export to Italy, then imports will tend to follow the lira, not a particularly hard currency itself.⁴¹ It is also true that Italian subsidy

³⁶ Export totals have been regularly undervalued in the customs figures. The real gap between imports and exports appears to be lower than the figures show.

³⁷ Rapport du Gouvernement Italien a L'Assemblee Generale des Nations Unies sur L'Administration de Tutelle de la Somalie, 1952, p. 56.

³⁸ Robert C. Doty "Somaliland Puts Its Hopes on Oil," *New York Times*, January 9, 1955, p. 19.

³⁹ See the Resolution adopted by the Trusteeship Council at its fourteenth session, "noting . . . that there are serious disadvantages in the development of external trade in one direction only", Trusteeship Council Report 1953-54, *op. cit.*, p. 110.

⁴⁰ And that protective devices are used to favor high cost local production.

⁴¹ See the Italian special representative's reported statement to the Trusteeship Council that Italy was carrying the territory's annual £2 million deficit, despite its own deficit with the sterling area. *Ibid.*, p. 114.

of the exchange deficits, while necessary to the solvency of the territory, benefits Italy, through the remittances of Italian employees and enterprises, and in other ways. The 1954 visiting mission pointed out that the protective market for bananas especially removes any incentive which there might be to cut costs in order to find other markets. It urged, as had the United Nations Technical Assistance Mission before it, that efforts be made to reduce the costs and to find substitute crops.⁴²

The Report of the United Nations Technical Assistance Mission which visited the territory in 1951 concluded that sustained efforts to develop exports rationally and to reduce inessential imports should go far to eliminate the persistent gaps in the Territory's balances of payments.

In this paper, it will not be possible to examine the range of activities underway or projected to improve production and yields of export commodities, diversify production, and decrease dependence on imported consumer goods of various kinds. The most important plan involves increased irrigation in areas adjacent to the two main rivers, the construction of silos, supply of agricultural equipment, extension of areas under cultivation, use of work animals and so forth. The expectation is that in the area of the River Uebbi Scebeli, grain production on around 30,000 hectares can be increased by about 40 per cent or an increase in value of around \$0.6 million per year. In the area of the River Juba, the expectation is that production can be increased by 45 per cent, including the extension of the area under cultivation. In the interfluvial area, similar accretions are anticipated.⁴³

The Italian administration hopes that these plans will, in addition to increasing production of important crops, also contribute to the settlement of the nomadic population by providing stable sources of water around which communities can grow.

The plan which sets forth these expectations is the result of an extended period of planning in which a variety of agencies have participated. In addition to the United Nations Technical Assistance Mission comprising an economist, an expert on nomadic questions and social development, an expert on agricultural development, an expert on livestock and natural pastures, an expert on educational matters, and an expert in public health matters,⁴⁴ there have been smaller missions provided by FAO, ILO, UNESCO, WHO and by the United States Foreign Operations Administration and its predecessors. An individual Italian expert also visited the territory in 1953 to draw up an economic and financial development plan. As early as the ninth session in 1951, the Trusteeship Council

⁴² 1954 Visiting Mission Report, *op. cit.*, p. 77 and United Nations Technical Assistance Report, p. 16.

⁴³ See Administration Italienne de Tutelle de la Somalie, Plans de Developpement Economique de la Somalie, Annees 1954-1960. Roma: Instituto Poligrafico Dello Stato, 1954.

⁴⁴ The experts were provided by the UN, FAO, UNESCO and WHO.

recommended that the Administering Authority draw up a plan for economic development of the territory. The fact that the plan did not finally emerge until 1954, when the regime had already been underway for four years and only six years of the trusteeship period remained, was a source of constant concern to the United Nations organs. Even the latest plan has been criticized on the ground that it did not provide adequately for financing the estimated So.70 million which were to be invested over the six year period. The 1954 visiting mission proposed that a further team of experts be sent to the territory without delay "to appraise the present and prospective economic and financial situation and development possibilities of Somaliland and the prospects for its viability after 1960."⁴⁵

The mission recognized that outside assistance would probably be necessary after 1960 and believed that the proposed survey would facilitate future planning in this regard. It considered that the Secretary-General of the United Nations, the Administering Authority and the International Bank for Reconstruction and Development should explore together the best sponsorship, composition and terms of reference of the proposed team of experts.

One further aspect of the development problem deserves mention. According to a recent estimate, foreign investment of capital in the territory totaled So.22 million or about \$3 million.⁴⁶ Aside from the expected capital investment in oil exploration and possible subsequent drilling, there are no signs that external capital in sizeable amounts is prepared to come in to the territory. The political uncertainties connected with the expected transition to independence are an important inhibition when added to the rather sparse development potential of the territory. In this connection, the recent action of the Territorial Council which on January 4, 1954 issued a statement "giving full assurances that foreign private enterprises and investments in the territory would receive equality of treatment with indigenous enterprises both before and after the Territory becomes independent in 1960," is worthy of attention. It is an unusual example of associating the representatives of the people of a non-self-governing territory in an action designed to soothe the fears of possible investors, jittery because of the political climate in most under-developed areas. Even with this assurance, however, the prospects for external private investment do not seem bright. Efforts to raise capital to restore the prewar salt works, even by disposing of the existing supply of salt, have not been fruitful.

In these circumstances, provision of public capital for development purposes seems especially important. The Italian Government has been

⁴⁵ 1954 Visiting Mission Report, *op. cit.*, p. 111.

⁴⁶ Report of the Trusteeship Council 1953-54, *op. cit.*, p. 108. This figure, which comes from the Italian Annual Report for 1953 is probably low. Actual investment is estimated to be about twice as great.

providing amounts for investment, especially in accordance with the new plan, which are substantial in terms of the territory's budget. Whether more could be provided from this source it is difficult to know. Aside from Italy's subsidies, however, the only external public capital to be provided has come from the United States FOA and its predecessors. The United States Government has provided relatively small amounts mainly for well digging and for experimental mobile education units. No specialized agency has provided capital funds, although several have contributed significant expert and technical advice. No other United Nations member has provided development capital, despite the responsibility which they may be said to have incurred when they took the trusteeship decision by a 49-1 vote, especially those among them who supported the ten-year limit.

In this connection, the resolution on Financing the Economic Development Plans of the Trust Territory of Somaliland Under Italian Administration, adopted by the General Assembly in 1954, may have special importance. In this resolution, the General Assembly requested the Secretary-General to consider, in agreement with the Italian Government, the advisability of asking the International Bank for Reconstruction and Development to send a mission to the territory to study the situation and the possibilities of economic development. It requested the Trusteeship Council to continue its study of the question and, on the basis of the report of the 1954 visiting mission and of any report which might result from the proposed International Bank mission, "to endeavor to decide on practical measures for financing the economic development plans for Somaliland." The Trusteeship Council was asked to report back to the General Assembly at the latter's session in 1955.⁴⁷ One of the key questions which will no doubt be considered is the possibility of providing, by the United Nations or in other ways, guarantees carrying over into the post-trusteeship period for any long-term loan which it might be possible to obtain from the International Bank. In past discussions of this problem, such guarantees have been considered as essential, although the Italian Government has naturally been unwilling to undertake any commitments of this nature which extend beyond its administrative responsibilities in the territory.

THE BORDER WITH ETHIOPIA

When Ethiopia was opposing the proposal for Italian trusteeship over Somaliland one of the arguments was that the dividing boundary was not settled. Today, after almost five years under Italian administration, the situation is unchanged.

That the border problem is an important one is affirmed in many ways. The matter has been referred to, in terms of urgency, by its first

⁴⁷ General Assembly Resolution 855 (IX), December 14, 1954.

and second visiting missions, by all the United Nations organs concerned, including the Advisory Council, and in the annual report of the Administering Authority itself.⁴⁸

While a political settlement as between Italy and Ethiopia may be of minor significance to the Somalis, the uncertainties arising over the border itself are an important direct influence on the life of the territory. Owing to the arid terrain, the shortage of watering places for humans and livestock, and the fact that the people on both sides of the present line of demarcation are Somalis, the uncertainty gives rise to many evils, among them cattle raids across the border, deprivation of customary water rights, and so forth. The Egyptian member of the Advisory Council visited the disputed areas as recently as August 1954 and reported that the people on the Somali side of the line were "getting desperate and impatient to settle the dispute themselves."⁴⁹

The problem is admittedly a difficult one, with roots going back to pre-World War II agreements and disagreements, marked or not on a variety of charts and maps. The present provisional line of demarcation appears to coincide for part of the way with the border of the period before Italian aggressions began in 1935. From Fer Fer north, however, it appears to cut deeper into Somaliland until it reaches the border of British Somaliland at a point about one degree east of the pre-1935 frontier.⁵⁰

The United Nations organs have exhibited concern over this situation from the outset. The Interim Committee dealt with the question which had been referred to it by the General Assembly.⁵¹ It merely passed on to the General Assembly a United States proposal that the parties concerned delimit the boundaries by negotiation among themselves. The draft, which was approved by the General Assembly on December 15, 1950⁵² provided also that the Secretary-General should be empowered, at the request of either party, to appoint a mediator if the parties should fail to reach agreement.

Italy subsequently reported that since diplomatic relations between the two governments were not re-established until February 1952, no

⁴⁸ See for example Trusteeship Council Resolution 1000 (XIV) dated July 6, 1954, expressing the Council's view that ". . . delimitation is a matter of the utmost urgency . . ." and General Assembly Resolution 755 (VIII) Dec. 9, 1953.

⁴⁹ Question of the Frontier Between the Trust Territory of Somaliland under Italian Administration and Ethiopia: Report of the Secretary General. United Nations document A/C.4/277, November 10, 1954. See also 1954 Visiting Mission Report, *op. cit.*, pp. 28-34.

⁵⁰ *Ibid.*

⁵¹ In General Assembly Resolution 289 (IV), Part C.

⁵² General Assembly Resolution 392 (V). The resolution further recommends that parties agree to arbitration if they cannot accept the advice of the United Nations mediator.

negotiations could take place until after that time. Approaches were made via the Italian diplomatic mission in Addis Ababa but, according to Italy, the Ethiopian Government pursued a dilatory policy and no negotiations of substance had been held as recently as the summer of 1954. The Ethiopian Government disclaimed all responsibility for any delay. Ethiopia claimed that the fault lay with Italy for refusing to accept the existing administrative frontier, agreed on with the United Kingdom in 1950.⁵³ This had the effect of ratifying the earlier Ethiopian-British accord of 1948 turning over to Ethiopia and British Somaliland the Ogaden territory which Britain had held under military occupation. The Ogaden has long been a subject of international dispute. For the Somalis the pertinent fact about it no doubt is that its population is almost exclusively Somali. According to the 1954 visiting mission, Italy has been interested in negotiating the entire border question rather than merely delimiting it in accordance with the provisional line of demarcation. It urged that a mediator be appointed in accordance with the General Assembly Resolution of December 1950,⁵⁴ a device for which neither party has thus far shown much enthusiasm. It also stated its belief that whatever solution might be adopted should avoid dividing the border tribes or cutting them off from their traditional grazing grounds and wells. It recommended also that more wells be dug to reduce tribal movement across the border, that refugees be permitted to return to their families and properties, and that border control be "tightened up" and effective administration established along the border.⁵⁵

The most recent United Nations action on the question was taken by the General Assembly at its ninth session in 1954. The Assembly had before it a report compiled by the Secretary-General at the request of the Trusteeship Council.⁵⁶ The report was based on information, referred to above, supplied by Italy, Ethiopia and the Advisory Council. After taking note of these statements, the Assembly: (1) noted "with concern" that no progress had been made in direct negotiations between Italy and Ethiopia; (2) urged them to exert "their utmost efforts" to achieve a final settlement; and (3) recommended that, should direct negotiations fail to achieve results by July 1955, the two governments should agree to the procedure outlined in its 1950 resolution, namely mediation by an appointee of the Secretary-General.⁵⁷ Despite the time limit fixed by the Assembly, no progress has yet been made toward a settlement.

⁵³ Report of the Secretary-General, *op. cit.*

⁵⁴ 1954 Visiting Mission Report, *op. cit.*, p. 34.

⁵⁵ *Ibid.*, p. 33.

⁵⁶ In its Resolution 1000 (XIV) of July 6, 1954.

⁵⁷ General Assembly Resolution 854 (IX), December 14, 1954.

GULF OF ADEN

FRENCH

SOMALILAND

BRITISH SOMALILAND

ETHIOPIA

12°

50°

48°

46°

44°

42°

10°

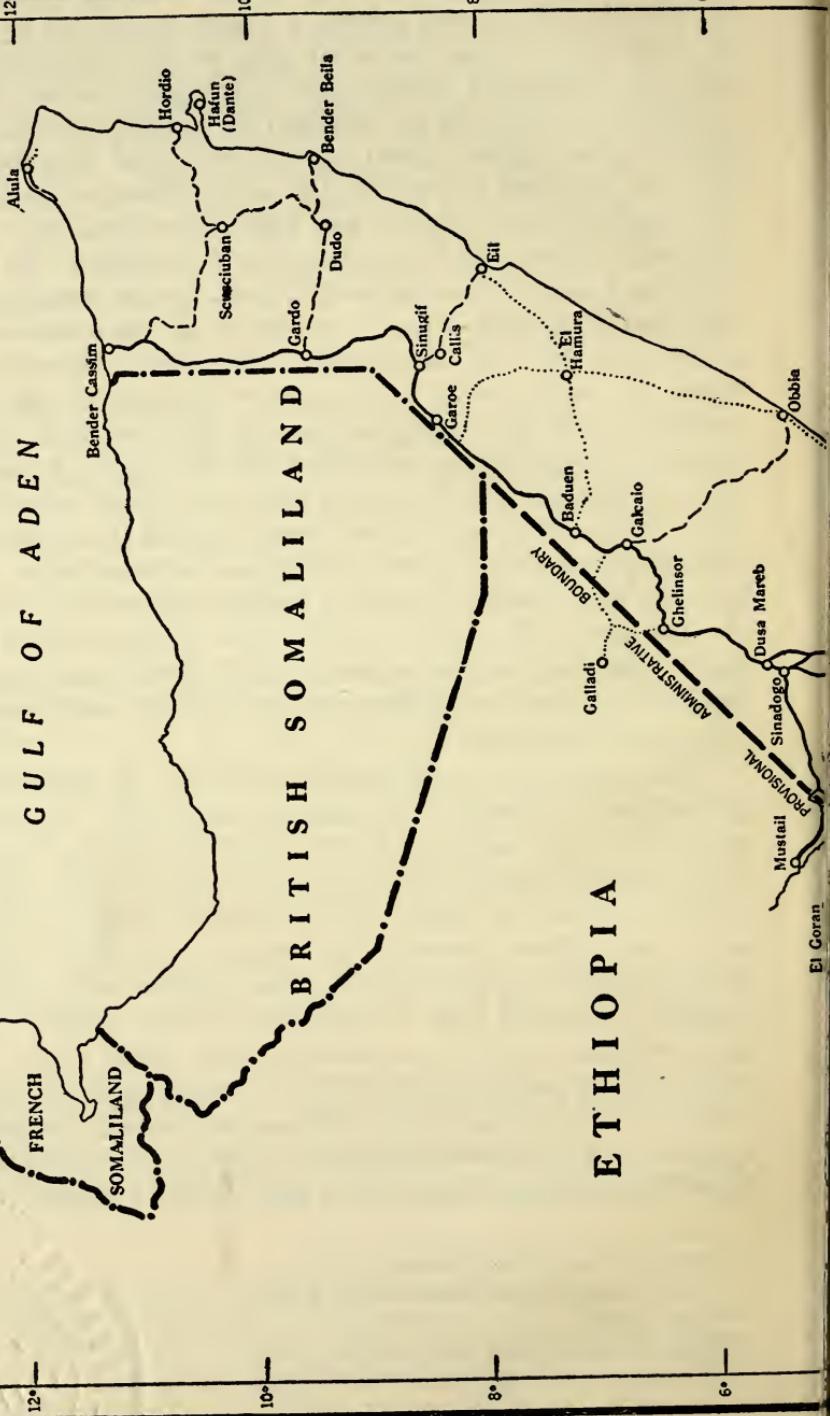
10°

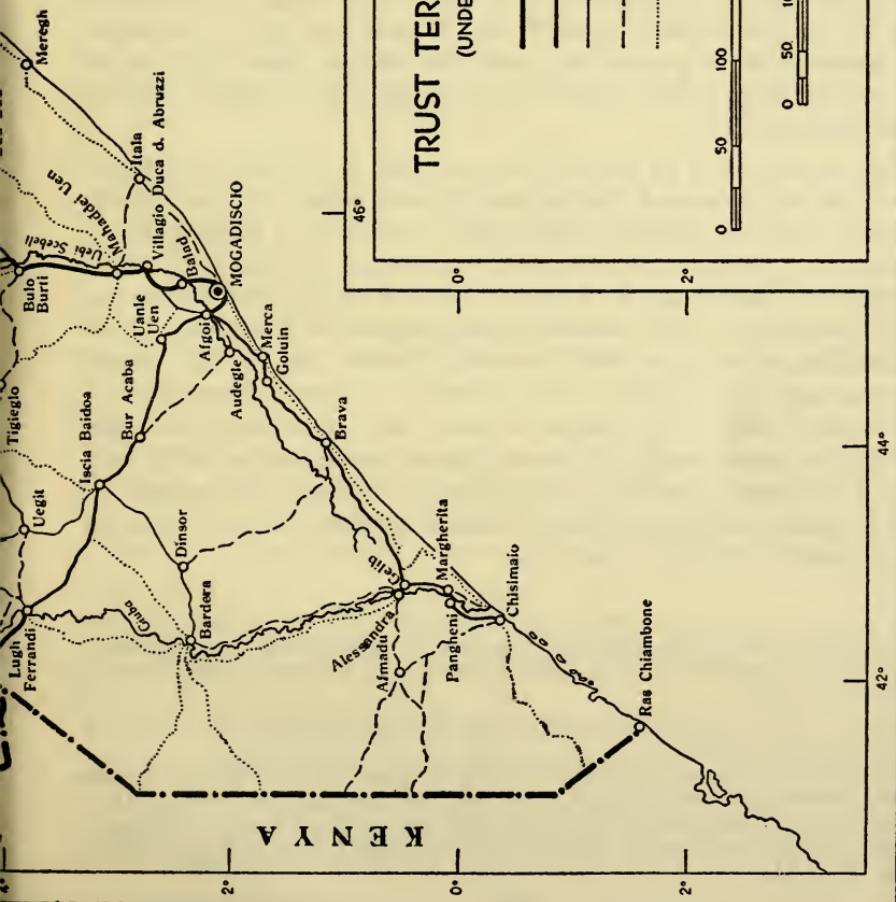
8°

8°

6°

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THE ADVISORY COUNCIL

One feature of the trusteeship arrangement in Somaliland which deserves special consideration apart from the normal operation of the trusteeship apparatus is the Advisory Council.

From the beginning, there has been confusion about the exact nature of this organ. According to the terms of the trusteeship agreement, based in turn on the General Assembly Resolution which preceded it, the Council was to aid and devise the Administering Authority. But it was also guaranteed a direct line to the Trusteeship Council. Did this mean that it was to be the Trusteeship Council's agent in the territory as well as the aid and advisor of the Administering Authority? The members of the Advisory Council have consistently supported this interpretation and have actively employed their channel of communication to the Trusteeship Council. Early in the trusteeship period, the Advisory Council raised the question of its relation to the General Assembly when it requested and received permission to present its report to the Fourth Committee.⁵⁸ In one of its reports, it claimed to be a "subsidiary organ of the General Assembly" and expressed the belief that it had "the right to establish direct contact with its parent body whenever matters arise which in the Advisory Council's opinion require such contact to be made with the General Assembly."⁵⁹

This conception of its role did not meet with favor with all members of the Trusteeship Council. During the eleventh session of the Council, the United Kingdom delegate doubted that "the Advisory Council (had) any particular position *vis-a-vis* the General Assembly."⁶⁰ In fact, neither the Advisory Council nor its members have ever appeared before the General Assembly in their official capacities since the trusteeship agreement has been in effect and the Trusteeship Council has sturdily resisted all pressures on it to submit to the Assembly the reports made to it by the Advisory Council. The Secretary-General has also thrown his weight into the balance against this Advisory Council interpretation of its relation to the General Assembly by refusing to authorize expenditure of United Nations funds for Advisory Council members' travel to General Assembly sessions at their request.⁶¹

⁵⁸ See report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1950 to 31 March 1951. Trusteeship Council, *Official Records*: 9th Session, Annexes (Agenda Item 4), 1951, p. 20.

⁵⁹ Report of the United Nations Advisory Council, etc., for the period 1 April 1951 to 31 March 1952, p. 25-26.

⁶⁰ Report of the Trusteeship Council Covering its Fourth Special Session and its Tenth and Eleventh Sessions. *Official Records*, 7th Session, Supplement No. 4, p. 111.

⁶¹ Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1951 to 31 March 1952, *op. cit.*, p. 26.

Another special difficulty concerned the Advisory Council's relations with the population of the territory. The Council's anomalous character soon exposed it to various pressures from local individuals and political groups, aiming to involve the Council between the people and the Administration.⁶² Particularly, the question soon arose whether the Council should play an official role toward the numerous petitions which came to it. The issue caused a deep split within the Council itself. The Philippine delegation, which espoused the broadest conception of the Council's powers, proposed in the General Assembly that the Advisory Council be authorized to deal with petitions.⁶³ On the other hand, the Colombian and Egyptian delegations in the Advisory Council favored limiting the Council to dealing only unofficially with petitions as long as the Administering Authority was willing to discuss them in a spirit of cooperation.⁶⁴ The issue broke into the open in a venomous exchange between the Colombian and Philippine members of the Advisory Council during the 415th meeting of the Trusteeship Council in June 1954.⁶⁵ The Colombian delegate declared that he was opposed to any attempt by members of the Council to promote personal policies and added that there had been a serious difference of opinion between himself and the Philippine delegate on the examination of petitions. The Trusteeship Council, in a delicately worded resolution, noted that "the role of the Advisory Council as defined in article 2 of the Trusteeship Agreement is to aid and advise the Administering Authority."⁶⁶

As if these constitutional difficulties were not enough, the Advisory Council suffered heavily, especially at the beginning, from what Sir Alan Burns, United Kingdom representative on the Trusteeship Council, referred to in a slightly different connection as "a tropical malignity." Personal animosities enveloped the delegates. Moreover, the Council was handicapped by a singular inability of some of its members to maintain representatives in the territory. The Trusteeship Council has referred to this difficulty several times in its reports. Lack of a quorum has been a recurrent problem and, when two representatives were present, the division of opinion often made it difficult for the Council to operate. Some of the difficulties seem to have moderated in the past two years or so with a change in the Council's personnel, but the problem of attendance remains acute.

⁶² Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1951 to 31 March 1952, *op. cit.*, p. 21.

⁶³ Fourth Committee, 6th Session, 12 December 1951, p. 56.

⁶⁴ Report of the Trusteeship Council Covering its 4th Special Session and its 10th and 11th Sessions, *op. cit.*, p. 108.

⁶⁵ Trusteeship Council, *Official Records*: 11th Session, 415th Meeting.

⁶⁶ Report of the Trusteeship Council Covering its 4th Special Session and its 10th and 11th Sessions, *op. cit.*, p. 108.

Although there has been a complaint by the Advisory Council that it was not being adequately consulted by the Administering Authority, the record appears to show that the Administration has fulfilled fairly well its obligations under the trusteeship agreement.⁶⁷ In response to urging in the General Assembly's Fourth Committee, Italy's representative agreed to consult the Council about the annual budget for the territory which was not explicitly listed among the items in the trusteeship agreement for which it was obligated to ask advice. It has informed the Council or asked for its advice on hundreds of questions. In each annual report the Administering Authority has expressed its appreciation for the cooperation and help given by the Advisory Council.

An actual appraisal of the soundness of the Council's advice and an estimate of how that advice has been implemented is not feasible within the limits of this paper. It might be said, however, that the Advisory Council, which has never been backward about voicing its prerogatives, has not complained that its advice has not been heeded, although the Philippine delegate in the first two years voiced strong views about shortcomings of the administration in general.

There is some evidence that the Council has, in some ways, served a useful function in the territory. It has been a center for United Nations information events and celebrations. The people of Somaliland are probably more aware of the United Nations than people in other trust territories. Moreover, owing to their special access to Somali political leaders, the Egyptian delegates were able to exert a very useful influence, in informal ways, in bringing together leaders of opposing political parties who would not previously even meet.⁶⁸

It is difficult to assess adequately the advantage in having representatives of the United Nations permanently in the territory. Although theoretically, the Advisory Council should provide a potential check on the reporting by the Administering Authority, more satisfactory than periodic and hurried visits by visiting missions, there is little evidence that it has in fact worked this way. Members of the Council are also represented in the General Assembly, occasionally by the same individuals, so that the information and observations which are accumulated in the field are sometimes available to the Fourth Committee in its discussion of the territory. Channels exist to the Trusteeship Council, via the reports of the Council and the formal appearances of its members before that body and in other ways.

⁶⁷ One important exception was the Administrator's failure to obtain the advice of the Council on the oil exploration concessions. There have been occasions when the request for advice came too late for the Council's response to influence the outcome.

⁶⁸ A brief reference to this informal activity may be found in the Report of the Advisory Council for the Trust Territory of Somaliland under Italian Administration, covering the period from 1 April 1951 to 31 March 1952, *op. cit.*, p. 21.

In most other respects, the weight of the prevailing evidence and opinion seems to raise basic questions about how useful the Advisory Council has been.

UNITED NATIONS SUPERVISION

Apart from the unique Advisory Council, the United Nations supervision of administration over the territory follows the well established patterns for the system as a whole. The Trusteeship Council is the principal organ of the United Nations most directly concerned. It is, however, responsible to the General Assembly whose Fourth Committee takes a most active interest. Moreover, the Trusteeship Division of the Secretariat has developed a small corps of staff members who have special knowledge of the territory.

The United Nations organs have available the same devices for collecting information and carrying out their supervision as they have with respect to the other trust territories: the questionnaire, on which are based the annual reports of the Administering Authority, the acceptance and examination of petitions "in consultation with the Administering Authority," the hearing of petitions and oral presentations, and the periodic visits to the territory "at times agreed upon with the Administering Authority."

Attempts have been made in the General Assembly to establish a special regime for Somaliland because of the features which distinguish it from other trust territories. In 1952, the Assembly adopted a resolution urging that the Council consider preparing a special questionnaire for the territory and sending a separate visiting mission.⁶⁹ The Council blithely rejected the suggestion about the questionnaire as unnecessary and, in view of the forthcoming visiting mission to East Africa, could see no reason to consider a special mission at that time.⁷⁰ Subsequently, the General Assembly made a broader proposal, that the Council prepare special questionnaires "adapted to the particular circumstances of each trust territory." It put some teeth into the proposal by setting up a subcommittee to study the question and report directly to the Trusteeship Council.⁷¹ Thus far, however, all the innovations have been successfully resisted by the Trusteeship Council. The administering authorities particularly deprecate all efforts to make a great deal out of the territory's special status. It has been too often emphasized by others, especially in the General Assembly, that Somaliland is being viewed as a ten-year experiment in the feasibility of fixing time limits for independence. They have denied from the beginning that the special arrangements for Somaliland are an advance over the

⁶⁹ General Assembly Resolution 656 (VII), December 21, 1952.

⁷⁰ Trusteeship Council Resolution 644 (XII), July 9, 1953.

⁷¹ General Assembly Resolution 751 (VIII), December 9, 1953.

normal procedures. Even while the Trusteeship Council was considering the draft trusteeship agreement, early in 1950, the Australian delegate made the point that:

“. . . his Government did not consider that it (the agreement) laid upon the Administering Authority a series of obligations differing in substance from those undertaken by other administering authorities in respect of other trust territories.”⁷²

ANNUAL REPORTS

Italy has now submitted four annual reports. They are lavishly prepared with numerous photographic plates, charts, maps and statistical appendices. The information provided seems, somewhat optimistically, to cover the points raised in the questionnaire. The fact that the reports are submitted in French no doubt inhibits their full appreciation by the Somali people, an unfortunate shortcoming. In preparing the reports, Italy has accommodated itself to several requests of the Trusteeship Council for clearer presentation of various data.

The reports are the main vehicle for the examination of the Administering Authority which goes on in the Trusteeship Council. Since Italy is not a United Nations member, special provision is made for an Italian representative to sit with the Council during consideration of the territory. In fact, Italy is obligated under the trusteeship agreement “to designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority and petitions relating to conditions in the Territory are considered.” (Article 5).

With respect to all the trust territories, the questioning of the special representatives of the administering authorities is searching and rigorous. With respect to Somaliland it has been even more so. When the Italian representative was questioned during the Eleventh Council session, in 1952, one delegate remarked that “never in the history of the Trusteeship Council has a special representative been asked such diverse and complex questions . . .”⁷³ Now that the novelty has worn off, Somaliland no longer receives such special treatment. But the questioning, it may be fairly said, continues to range widely and probe deeply.

PETITIONS

The possibility of submitting petitions to the United Nations has provided the population of Somaliland an opportunity to which they have responded with alacrity. In all, about 700 petitions and “communications” have been received at headquarters. Petitions which raise specific questions

⁷² Trusteeship Council, *Official Records*: Fourth Year, 6th Session, 19 January-4 April 1950, p. 8.

⁷³ Statement by Mr. de Marchena (Dominican Republic), Trusteeship Council, *Official Records*: 11th Session, 420th meeting, June 16, 1952.

are dealt with by the Council on the basis of reports by its standing committee on petitions. The more general ones are fed into the general debate on the territory based on the annual report. Because of the great volume of petitions received, there is a tendency to deal with them in wholesale lots, even if the delegates sometimes insist that the resolutions concerning the petitions should be voted on one by one. Complaints are sometimes heard that the petitioners receive short shrift, that the Administering Authority's responses are based on faulty information or that promised actions are not carried out. As a consequence, the 1954 visiting mission recommended that the Trusteeship Council review its procedures for handling petitions.⁷⁴

In addition to the written petitions, oral petitions are heard and hearings granted. Representatives of the Somali Youth League and of the Hisbia Dighil and Mirifle were heard at the twelfth and fourteenth sessions of the Council. Moreover, the Fourth Committee of the General Assembly heard representatives of the Somali Youth League and the Unione Nazionale Somala during the 1952 session.

In its most recent annual report, Italy has included a special section recounting action which it has taken in response to petitions and Trusteeship Council recommendations on them.

VISITING MISSIONS

Since Somaliland is in East Africa it is visited along with Tanganyika and Ruanda Urundi on the three-year schedule which has been set up for the visiting missions. The territory was first visited in 1951 and again in 1954. There have been frequent references in this paper to the reports of the two missions. In each case, the mission comprised four members, accompanied by Secretariat staff. No individual has been a member of both, although the United States and New Zealand were represented in 1951 and again in 1954. In 1951, the other two countries represented on the mission were the Dominican Republic and Thailand. In 1954, their places were taken by representatives of El Salvador and India.

The time which the missions have been allowed in the territory has in both cases been too short. The first mission was in the territory from September 19-October 7, 1951; the second from September 21-October 13, 1954. However, by dividing up into teams, a great deal of travel in the territory and a heavy schedule of official and unofficial meetings has been possible. If the missions did not succeed in seeing and learning everything that was to be seen or learned, it was not for lack of diligence.

The missions' reports are among the most authoritative documents concerning the territory. They become reference works for the Council and the General Assembly. Moreover, it is not unusual for service on a visiting

⁷⁴ 1954 Visiting Mission Report, *op. cit.*, p. 38.

mission to awaken new interests in its members, which may find subsequent expression in the Trusteeship Council or the General Assembly. For example, Ambassador de Marchena, the Dominican Republic's representative on the first visiting mission, has actively participated in subsequent debates on the territory in both major organs.

The missions derive their information from various sources, not least of them being the petitions submitted to them by the local population. The 1951 mission listed 142 petitions which it received during its brief stay in the territory.⁷⁵

RELATIONS BETWEEN THE TRUSTEESHIP COUNCIL AND THE GENERAL ASSEMBLY

There is no reason to doubt that Somaliland issues, like most other trusteeship questions, are caught up in the evolving tension between the Trusteeship Council and the General Assembly's Fourth Committee. It is not difficult to discover the reasons, for the most part inherent in the structure of the system, why such tensions should develop. For one thing, there is an equal balance in the Trusteeship Council between administering and non-administering states, which is not duplicated in the Fourth Committee, where the latter have a considerable majority. The administering authorities are therefore more firmly entrenched in the Council than in the Assembly. They often find that the Council is the last bastion from which to defend what they consider to be their prerogatives. Furthermore, membership in the Council, with the opportunity to take part in visiting missions and constant association with problems of administering the trust territories, tends to develop in the Council a higher degree of expertise and genuine comprehension of colonial problems than is to be found, for the most part, among the representatives in the Fourth Committee. Moreover, whatever may be the reason, the Trusteeship Council does not seem to lend itself as readily as the Assembly committees do to exploitation for propaganda purposes. Even the Soviet delegate, who is quite free in the Council to indulge in the bitterest of tirades and declamations against the administering authorities, finds it difficult to reach the front pages, even of the New York newspapers. Histrionics do not seem to pay as well in the Council as they do in the Fourth Committee. If the Council is more sheltered than the General Assembly in respect of propaganda, it is also more favored in its seclusion from the pressures of bloc voting which are said to exist in the latter body.

CONCLUSIONS

No overall appraisal will be attempted in this paper, either of the functioning of the United Nations or of the Administering Authority's role.

⁷⁵ 1951 Visiting Mission Report, pp. 40-41.

It appears to be the case that the United Nations organs have been able (1) to provide valuable guidance and stimulus to the Administering Authority; (2) in some cases, to cause the Administering Authority to modify its policies, including the elimination of some abuses, such as collective fines; (3) to provide some stimulus to the political activities of the Somalis; (4) to help to mobilize considerable technical advice and resources, of whatever quality, through the specialized agencies. It also appears to be the case that, whatever objections there may have been to Italy's return to the territory, the solution agreed upon by the General Assembly in 1949 was better than continued confusion and irresolution. The rewards, in terms of public order in the territory, should be gratifying to all concerned.

On the other hand, it appears to be the case that: (1) nothing the United Nations or the Administering Authority has done or can do will alter the essential poverty of the country or diminish greatly the length of time it takes an individual to acquire an education sufficient to his task; (2) the United Nations has not been able to mobilize, among its members or among international agencies, the investment capital which is much needed in the territory or to follow up on the advice of the various technical assistance missions; (3) it has not thus far resolved the troublesome border dispute between Ethiopia and Italy.

SUGGESTIONS FOR TEACHERS

1. The instructor might organize his class into mock sessions of the Trusteeship Council to consider the administration of Italian Somaliland. The agenda might include:

- (a) Consideration of an annual report of the administering authority and questioning of the special representative of Italy.
- (b) Consideration of petitions from the territory.
- (c) Consideration of a Visiting Mission report.

2. The instructor might organize his class into mock sessions of the Fourth Committee of the General Assembly. Among the issues which might be discussed are:

- (a) The report of the Trusteeship Council relating to Italian Somaliland.
- (b) The question of the border dispute between Italy and Ethiopia.
- (c) The problem of economic development of the territory and particularly of attracting capital to invest.
- (d) The language issue.
- (e) The problem of the nomadic peoples.

3. Individual research projects might be assigned on the following subjects:

- (a) A comparison between the problems of the administration of Italian Somaliland and of
 - (i) another trust territory, such as Tanganyika;
 - (ii) Libya;
 - (iii) another non-self-governing territory, not under the trusteeship system, such as Kenya or Uganda.
- (b) The feasibility of a fixed time limit for achieving independence in terms of the Somaliland experience.
- (c) The operation of the trusteeship system with respect to Italian Somaliland as contrasted with other territories under the system.
- (d) An analysis of the interests and positions of the members of (i) the Trusteeship Council, and (ii) the General Assembly, concerning Italian Somaliland.

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NOTE: All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ANNEX I

DRAFT TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

Special Report of the Trusteeship Council

[Original text: English]

1. By resolution 289 (IV) of 21 November 1949 of the General Assembly, it was provided that the former Italian colony of Somaliland should become an independent sovereign State at the end of ten years from the date of approval of a Trusteeship Agreement by the General Assembly; that during this period the Territory should be placed under the International Trusteeship System with Italy as the Administering Authority, with the assistance and advice of an Advisory Council composed of representatives of Colombia, Egypt and the Philippines; that the Trusteeship Council should negotiate with the Administering Authority the draft of a Trusteeship Agreement for submission to the General Assembly not later than the fifth regular session; and that Italy should be invited to undertake provisional administration of the Territory at a time which would depend on arrangements to be made, after the negotiation of that Agreement, between Italy and the United Kingdom for the transfer of administration, and on condition that Italy gave an undertaking to administer the Territory in accordance with the provisions of the Charter and of the Agreement, pending the approval of the latter by the General Assembly.

2. The Trusteeship Council convened in special session on 8 and 9 December 1949, during which it held three meetings in order to discuss its responsibilities in respect of the implementation of the resolution of the General Assembly. At the first meeting, the Council invited the representative of Italy to take part in its deliberations without the right to vote. At the second meeting, the delegations of Colombia and Egypt, as members of the Advisory Council to be established under the General Assembly resolution, were similarly invited.¹ A representative of India was invited to take part in the work of the Council, or any of its committees, in so far as concerned the general principles of the constitution of the Territory. The Government of Ethiopia requested that it should be permitted to take part in the discussions of the Council as a "State directly concerned" under Article 79 of the Charter; the Council decided to accord this request without, however, taking any decision as to whether Ethiopia was, in fact, a "State directly concerned", and invited the representative of Ethiopia to take part in the discussions of the Council without the right to vote.

3. At the third meeting, the Council appointed a drafting committee composed of the representatives of the Dominican Republic, France, Iraq,

¹ The representative of the third member of the Advisory Council, the Philippines, participated in the discussions as a member of the Council.

the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Council instructed the Committee, taking into account such draft as Italy might care to propose, to seek agreement on the text of a draft Trusteeship Agreement, drawn up in accordance with the resolution of the General Assembly. The Council decided that the Committee might allow representatives of local opinion, such as representatives of political parties and other organizations in Somaliland, to express their views before it if they so desired.

4. The Committee held one meeting at Lake Success on 13 December 1949, and eighteen meetings at Geneva between 9 and 26 January 1950. At its first meeting, the Committee elected Mr. M. Henríquez Ureña (Dominican Republic) as its Chairman and Mr. Evangelista (Philippines) as its Rapporteur; subsequently Mr. J. D. Inglés replaced Mr. Evangelista. The representatives of Italy, Egypt, Ethiopia and Colombia were invited to take part in the deliberations of the Committee without the right to vote. The representative of India attended only the first meeting. A request on the part of the International Labour Organisation that a representative of that organization should be allowed to attend the meetings of the Committee was also granted.

5. No representatives of political parties or organizations in Somaliland requested permission to appear before the Committee to express their views on the draft Trusteeship Agreement.

6. At its 17th meeting on 19 January 1950, the Committee unanimously adopted, for submission to the Trusteeship Council, a draft Trusteeship Agreement and Declaration of Constitutional Principles. It held a further meeting on 26 January, on instructions from the Council, in order to redraft article 14 of the Agreement.

7. The report of the Committee was considered by the Council during the 3rd to 8th meetings, on 23 to 27 January 1950, of its sixth session held at Geneva. At the 8th meeting on 27 January, the Council unanimously adopted the draft Trusteeship Agreement and the Declaration of Constitutional Principles.

8. By a telegram dated 9 February 1950,² the Minister for Foreign Affairs of Italy informed the President of the Council that the Italian Legislature had authorized the provisional administration of the Territory in accordance with the resolution of the General Assembly.

9. By a letter dated 22 February 1950,³ the Minister for Foreign Affairs of Italy informed the Secretary-General that the Government of the Italian Republic, subject to the ratification of the Trusteeship Agreement, had undertaken to assume the administration of the Territory of Somaliland in accordance with the resolution of the General Assembly and article 23,

² T/468.

³ T/488.

paragraph 2, of the draft Trusteeship Agreement adopted by the Trusteeship Council. The Minister stated that his Government would assume responsibility for the administration of the Territory of Somaliland from a date to be fixed in an agreement to be made with the Government of the United Kingdom in connexion with measures for the transfer of powers in the Territory. The Minister stated that he would notify the Secretary-General of the date upon which the transfer would take place, and he believed that this would be towards the end of March 1950.

10. By a letter dated 5 April 1950,⁴ the Under-Secretary of State for Foreign Affairs of Italy informed the Secretary-General that, by agreement with the Government of the United Kingdom, 1 April 1950 had been fixed as the date for the regular transfer of powers in the Territory of Somaliland, and that from that date the Government of the Italian Republic was to assume responsibility for the administration of Somaliland.

11. The United Kingdom delegation, by a letter dated 25 April 1950,⁵ transmitted to the Secretary-General the text of the British Administration (Termination) Proclamation, 1950, which stated that the authority of His Majesty in Somalia would terminate on 1 April 1950.

12. The Council transmits herewith to the General Assembly the draft Trusteeship Agreement and Declaration of Constitutional Principles.

DRAFT TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

AS APPROVED ON 27 JANUARY 1950 BY THE TRUSTEESHIP COUNCIL AT THE
EIGHTH MEETING OF ITS SIXTH SESSION

[*Original text: English-French*]
Preamble

Whereas Chapters XII and XIII of the Charter of the United Nations provide for an International Trusteeship System,

Whereas, by article 23 of the Treaty of Peace between the Allied and Associated Powers and Italy, signed in Paris on 10 February 1947, Italy renounced all right and title to the Italian territorial possessions in Africa,

Whereas, under paragraph 3 of Annex XI of this Treaty, the General Assembly of the United Nations was requested to make recommendations regarding the future status of the territories referred to in article 23 thereof,

Whereas, under paragraph 3 of Annex XI of this Treaty, the Governments of France, of the Union of Soviet Socialist Republics, of the United Kingdom of Great Britain and Northern Ireland, and of the United States of America agreed to accept the recommendation made by the General Assembly of the United Nations in this matter,

⁴ T/704.

⁵ T/705.

Whereas the General Assembly, after having examined the question at its third and fourth sessions, adopted, at its 250th plenary meeting on 21 November 1949, a resolution recommending, with respect to the territory formerly known as Italian Somaliland, that the Territory shall be an independent and sovereign State; that its independence shall become effective at the end of ten years from the date of approval of the Trusteeship Agreement by the General Assembly and that, during this period of ten years, the Territory shall be placed under the International Trusteeship System with Italy as the Administering Authority, aided and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines,

Whereas the Trusteeship Council, as requested by the General Assembly, has negotiated the draft of a Trusteeship Agreement with Italy and approved it at the eighth meeting of its sixth session on 27 January 1950,

Whereas the Government of Italy has accepted responsibility as the Administering Authority of this Territory,

Whereas the Governments of Colombia, Egypt and the Philippines have accepted the responsibility of aiding and advising the Administering Authority in their capacity as members of the Advisory Council,

Now, therefore, the General Assembly of the United Nations approves the following terms of trusteeship for the territory formerly known as Italian Somaliland:

Article 1

The territory to which this Agreement applies is the territory formerly known as Italian Somaliland, hereinafter called the Territory, bounded by the Somaliland Protectorate, Ethiopia, Kenya, the Gulf of Aden and the Indian Ocean. Its boundaries shall be those fixed by international agreement and, in so far as they are not already delimited, shall be delimited in accordance with a procedure approved by the General Assembly.

Article 2

Italy shall be entrusted with the administration of the Territory, and the Government of Italy (designated in this Agreement as the Administering Authority) shall be represented therein by an Administrator. The Administering Authority shall be responsible to the United Nations for the peace, order and good government of the Territory in accordance with the terms of this Agreement.

The Administering Authority shall be aided and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines.

The headquarters of the Administrator and of the Advisory Council shall be in Mogadishu.

Article 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter of the United Nations relating to the International Trusteeship System as set out in Chapters XII and XIII thereof, the relevant parts of the resolution 289 (IV) of 21 November 1949 of the General Assembly, and this Agreement (which includes an annex containing a Declaration of Constitutional Principles), with a view to making the independence of the Territory effective at the end of ten years from the date of the approval of this Agreement by the General Assembly.

The Administering Authority shall:

1. Foster the development of free political institutions and promote the development of the inhabitants of the Territory towards independence; and to this end shall give to the inhabitants of the Territory a progressively increasing participation in the various organs of Government;

2. Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, trade and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

3. Promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect and improve the health of the inhabitants by the development of adequate health and hospital services for all sections of the population; control the traffic in arms and ammunition, opium and other dangerous drugs, alcohol and other spirituous liquors; prohibit all forms of slavery, slave trade and child marriage; apply existing international conventions concerning prostitution; prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in time of public emergency with adequate remuneration and adequate protection of the welfare of the workers; and institute such other regulations as may be necessary to protect the inhabitants against any social abuses.

Article 4

The Administering Authority recognizing the fact that education in its broadest sense is the only sure foundation on which any moral, social, political and economic advancement of the inhabitants of the Territory can be based, and believing that national independence with due respect for freedom and democracy can be established only on this basis, undertakes to establish a sound and effective system of education, with due regard for Islamic culture and religion.

The Administering Authority therefore undertakes to promote the educational advancement of the inhabitants, and to this end undertakes to

establish as rapidly as possible a system of public education which shall include elementary, secondary, vocational (including institutions for the training of teachers) and technical schools, to provide free of charge at least elementary education, and to facilitate higher and professional education and cultural advancement in every possible way.

In particular, the Administering Authority shall take all appropriate steps:

(a) To provide that an adequate number of qualified students from among the indigenous population receive university or professional education outside the Territory, so as to ensure that sufficient qualified personnel will be available when the Territory becomes a sovereign independent State;

(b) To combat illiteracy by all possible means; and

(c) To ensure that instruction is given in schools and other educational institutions regarding the activities of the United Nations and its organs, the basic objectives of the International Trusteeship System and the Universal Declaration of Human Rights.

Article 5

The Administering Authority shall collaborate fully with the General Assembly of the United Nations and with the Trusteeship Council in the discharge of all their functions as defined in Articles 87 and 88 of the Charter of the United Nations.

Accordingly, the Administering Authority undertakes:

1. To make to the General Assembly of the United Nations an annual report on the basis of the questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the Charter of the United Nations, and to include in this report information relating to the measures taken to give effect to the suggestions and recommendations of the General Assembly and of the Trusteeship Council;

2. To designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority and petitions relating to conditions in the Territory are considered;

3. To facilitate periodic visits to the Territory as provided for in Article 87 of the Charter of the United Nations at times and in accordance with arrangements to be agreed upon with the Administering Authority;

4. To render assistance to the General Assembly or the Trusteeship Council in the application of these arrangements and of such other arrangements as those organs of the United Nations may make in accordance with the terms of this Agreement.

Article 6

The Administering Authority may maintain police forces and raise volunteer contingents for the maintenance of peace and good order in the Territory.

The Administering Authority, after consultation with the Advisory Council, may establish installations and take all measures in the Territory, including the progressive development of Somali defence forces, which may be necessary, within the limits laid down in the Charter of the United Nations, for the defence of the Territory and for the maintenance of international peace and security.

Article 7

The Administering Authority shall have full powers of legislation, administration and jurisdiction in the Territory, subject to the provisions of the Charter of the United Nations, of this Agreement and of the annex attached hereto, and shall have power to apply to the Territory, temporarily and with such modifications as are considered necessary, such Italian laws as are appropriate to the conditions and needs of the Territory and as are not incompatible with the attainment of its independence.

Article 8

The Advisory Council shall be fully informed by the Administering Authority on all matters relating to the political, economic, social and educational advancement of the inhabitants of the Territory, including legislation appertaining thereto, and may make to the Administering Authority such observations and recommendations as it may consider will be conducive to the attainment of the objectives of this Agreement.

The Administering Authority shall seek the advice of the Advisory Council on all measures envisaged for the inauguration, development and subsequent establishment of full self-government for the Territory; in particular, it shall consult the Advisory Council regarding plans for:

- (a) The establishment and development of organs of self-government;
- (b) Economic and financial development;
- (c) Educational advancement;
- (d) Labour and social advancement; and
- (e) The transfer of the functions of government to a duly constituted independent government of the Territory.

The Administering Authority shall seek the advice of the Advisory Council on ordinances which, in accordance with article 5 of the annex to this Agreement, the Administrator of the Territory may make and promulgate in exceptional circumstances.

Article 9

The Advisory Council shall be accorded such facilities and shall have free access to such sources of information as it may require for the performance of its functions.

Article 10

In the Territory, members of the Advisory Council shall enjoy full diplomatic privileges and immunities, and their staff shall enjoy the privileges and immunities which they would enjoy if the Convention on the Privileges and Immunities of the United Nations were applicable to the Territory.

Article 11

States members of the Advisory Council, if they are not members of the Trusteeship Council, shall be entitled to participate without vote in the debates of the Trusteeship Council on any question specifically relating to the Territory.

In the course of such debates, members of the Advisory Council or the majority of the members, acting in the name of the Advisory Council, or each of the members acting separately, may make to the Trusteeship Council such oral statements or may submit such written reports or memoranda as they may deem necessary for the Council's proper consideration of any question specifically relating to the Territory.

Article 12

The Administering Authority undertakes to maintain the application of the international agreements and conventions which are at present in force in the Territory, and to apply therein any conventions and recommendations made by the United Nations or by the specialized agencies referred to in Article 57 of the Charter of the United Nations, the application of which would be in the interests of the population and consistent with the basic objectives of the Trusteeship System, the provisions of resolution 289 (IV) of 21 November 1949 of the General Assembly, and the terms of this Agreement.

Article 13

The Administering Authority shall take all the necessary steps to enable the Territory to co-operate with the specialized agencies referred to in Article 57 of the Charter of the United Nations and with other international agencies and regional organizations, and to participate in their activities.

Article 14

In order to promote the economic and social advancement of the indigenous population, the Administering Authority shall, in framing laws relating to the holding or alienation of land or other natural resources, take into consideration the laws and customs of the indigenous population

and respect their rights and safeguard their interests, both present and future.

The Administering Authority shall not, without the consent in each case of a two-thirds majority of the members of the Territorial Council (provided for in article 4 of the annex to this Agreement), permit the acquisition by non-indigenous persons or by companies or associations controlled by such persons of any rights over land in the Territory save on lease for a period to be determined by law. In cases involving the alienation to non-indigenous persons or to companies or associations controlled by such persons of areas of agricultural lands in excess of one thousand acres, the Administering Authority shall also request in advance the advice of the Advisory Council. The Administering Authority shall include in its annual report to the Trusteeship Council a detailed account of such alienations.

The Administering Authority shall prohibit the acquisition by non-indigenous persons or by companies or associations controlled by such persons of any rights over any other natural resources in the Territory, save on lease or grant of concession for a period to be determined by law.

Nothing in this article shall apply to building land within the municipal area of Mogadishu which may be disposed of in accordance with regulations prescribed by law.

Article 15

Subject to the provisions of articles 14, 16 and 17 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all States Members of the United Nations and their nationals and for its own nationals, and to this end:

(a) Shall grant to all nationals of Members of the United Nations and to its own nationals freedom of transit and navigation, including freedom of transit and navigation by air, and the protection of person and property, subject to the requirements of public order and on condition of compliance with the local law;

(b) Shall ensure the same rights to all nationals of Members of the United Nations as to its own nationals in respect of entry into and residence in the Territory, acquisition of property, both movable and immovable, and the exercise of professions and trades;

(c) Shall not discriminate on grounds of nationality against nationals of any Member of the United Nations or its own nationals in matters relating to the grant of concessions for the development of the natural resources of the Territory and shall not grant concessions having the character of a general monopoly; and

(d) Shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations and to its own nationals.

The rights conferred by this article on nationals of Members of the United Nations or on the Administering Authority's own nationals apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations or with the law of the Administering Authority.

Article 16

Measures taken to give effect to article 15 of this Agreement shall be subject always to the overriding duty of the Administering Authority, in accordance with Article 76 of the Charter of the United Nations, to promote the political, economic, social and educational advancement of the inhabitants of the Territory, to carry out the other basic objectives of the International Trusteeship System and the provisions of resolution 289 (IV) of the General Assembly of 21 November 1949, and to maintain peace, order and good government. In particular, the Administering Authority shall be free:

- (a) To organize essential public services and works on such terms and conditions as it thinks just;
- (b) To create monopolies of a purely fiscal character in order to provide the Territory with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interests of the inhabitants;
- (c) Where the interests of the economic advancement of the inhabitants may require it, to establish, or permit to be established, for specific purposes, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control; provided that, in the selection of agencies to carry out the purposes of this paragraph, other than agencies controlled by the Government of the Territory or those in which that Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 17

Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations the benefits of article 15 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of the Territory equality of treatment with the nationals, companies and associations of the State which it treats most favourably.

Article 18

The Administering Authority shall include in its first annual report to the Trusteeship Council a report on the position in the Territory of property belonging to nationals, associations and companies of Members of the United Nations.

Article 19

The Administering Authority shall, in a spirit of religious tolerance, ensure in the Territory complete freedom of conscience and religion and shall guarantee freedom of religious teaching and the free exercise of all forms of worship.

Missionaries of any faith shall be free to enter, travel and reside in the Territory; to acquire and possess property therein, subject to the conditions laid down in article 14 of this Agreement; to erect religious buildings and hospitals therein; and to open schools subject to such regulations as may be prescribed by law for the educational advancement of the inhabitants of the Territory.

The provisions of this article shall be subject only to such limitations as may be necessary for the maintenance of public order and morality.

Article 20

The Administering Authority shall guarantee to the inhabitants of the Territory complete freedom of speech, of the Press, of assembly and of petition, without distinction as to race, sex, language, political opinion or religion, subject only to the requirements of public order.

Article 21

Nothing in this Agreement shall affect the right of the Administering Authority or the Trusteeship Council to propose, at any future date, the alteration or amendment of this Agreement in the interests of the Territory or for reasons not inconsistent with the basic objectives of the International Trusteeship System.

The provisions of this Agreement shall not be altered or amended except as provided in Articles 79 and 85 of the Charter of the United Nations.

Article 22

If any dispute whatever should arise between the Administering Authority and a State Member of the United Nations relating to the interpretation or the application of the provisions of this Agreement, such dispute, if it cannot be settled by direct negotiation or other means, shall be submitted to the International Court of Justice.

Article 23

The present Agreement, of which the Declaration of Constitutional Principles attached hereto as an annex is an integral part, shall enter into force as soon as it is approved by the General Assembly of the United Nations and ratified by Italy.

Nevertheless, after the Trusteeship Council and Italy have agreed upon the terms of trusteeship and pending approval of this Agreement by the

General Assembly, the Administering Authority shall provisionally administer the Territory in accordance with the provisions of the Charter of the United Nations and of this Agreement and shall assume this provisional administration at a time and pursuant to arrangements for the orderly transfer of administration agreed upon between Italy and the United Kingdom of Great Britain and Northern Ireland.

Article 24

The present Agreement shall cease to be in force ten years after the date of the approval of the Trusteeship Agreement by the General Assembly, at the conclusion of which the Territory shall become an independent sovereign State.

Article 25

The Administering Authority shall submit to the Trusteeship Council, at least eighteen months before the expiration of the present Agreement, a plan for the orderly transfer of all the functions of government to a duly constituted independent Government of the Territory.

ANNEX II

DECLARATION OF CONSTITUTIONAL PRINCIPLES

Preamble

In view of the recommendation made by the General Assembly of the United Nations at its fourth regular session with respect to placing the territory formerly known as Italian Somaliland under the International Trusteeship System with Italy as the Administering Authority,

Considering the provisions of the Charter of the United Nations which establish an International Trusteeship System, the terms of this Trusteeship Agreement, of which this Declaration is an integral part, and in accordance with the provision of resolution 289 (IV) of the General Assembly,

For the purpose of solemnly guaranteeing the rights of the inhabitants of the Territory and of providing, in accordance with democratic principles, for the gradual development of institutions designed to ensure the establishment of full self-government and independence, and the attainment of the basic objectives of the International Trusteeship System in conformity with the Charter of the United Nations,

It is hereby declared:

Article 1

The sovereignty of the Territory is vested in its people and shall be exercised by the Administering Authority on their behalf and in the manner prescribed herein by decision of the United Nations.

Article 2

The Administering Authority shall take the necessary steps to provide for the population of the Territory a status of citizenship of the Territory and to ensure their diplomatic and consular protection when outside the limits of the Territory and of the territory of the Administering Authority.

Article 3

The Administrator shall be the chief executive officer of the Territory.

Article 4

The Administrator shall appoint a Territorial Council, composed of inhabitants of the Territory and representative of its people.

In all matters other than defence and foreign affairs, the Administrator shall consult the Territorial Council.

The legislative authority shall normally be exercised by the Administrator, after consultation with the Territorial Council, until such time as an elective legislature has been established.

Article 5

In exceptional circumstances the Administrator may, after consultation with the Advisory Council, make and promulgate such ordinances as in his opinion the circumstances demand.

These ordinances shall be laid before the Territorial Council as soon as may be practicable and the Administering Authority shall include an account of all such ordinances in its annual report to the Trusteeship Council.

Article 6

In matters relating to defence and foreign affairs as in other matters, the Administering Authority shall be accountable to the Trusteeship Council, and shall take into account any recommendations which the Council may see fit to make.

Article 7

The Administering Authority shall establish a judicial system and shall ensure the absolute independence of the judiciary. The Administering Authority shall also ensure that representatives of the indigenous population be progressively entrusted with judicial functions and that the jurisdiction of courts of first instance be progressively increased.

As may be appropriate in each case, the Administering Authority shall apply territorial legislation, Islamic law and customary law.

Article 8

The Administering Authority, in accordance with the principles laid down in its own Constitution and legislation, shall guarantee to all inhab-

itants of the Territory human rights and fundamental freedoms and full equality before the law without distinction as to race, sex, language, political opinion or religion.

Article 9

The Administering Authority shall guarantee to all the inhabitants of the Territory full civil rights, and also such political rights as are consistent with the progressive political, social, economic and educational development of the inhabitants and with the development of a democratic representative system, due regard being paid to traditional institutions.

In particular, it shall guarantee:

1. The preservation of their personal and successional status with due regard to its evolutionary development;
2. The inviolability of personal liberty, which may not be restricted except by warrant of judicial authority and only in cases and in accordance with regulations prescribed by law;
3. The inviolability of domicile, to which the competent authority may have access only by due legal process and in a manner prescribed in accordance with local customs and subject to the guarantee for the protection of personal liberty;
4. The inviolability of freedom and secrecy of communication and correspondence, which may be limited only by means of a warrant of judicial authority stating the reasons and subject to the guarantees prescribed by law;
5. The rights of property, subject to expropriation carried out for a public purpose, after payment of fair compensation, and in accordance with regulations prescribed by law;
6. The free exercise of professions and occupations in accordance with local customs and with regulations prescribed by law;
7. The right to compete for public employment in accordance with regulations prescribed by law; and
8. The right to emigrate and to travel, subject to such regulations as may be prescribed by law for health and security reasons.

Article 10

The Administering Authority accepts as a standard of achievement for the Territory the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948.

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